

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JULY 12, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: VAC-13244 - APPLICANT: TMF INVESTMENTS, LLC -**

**OWNER: DECATUR VILLAGE/TMF INVESTMENTS**

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**\*\* CONDITIONS \*\***

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

1. The limits of this Petition of Vacation shall be described as the two public drainage easements generally located on the north side of Roberta Lane, west of Decatur Boulevard.
2. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The drainage study required by ZON-12312 may be used to satisfy this requirement provided that it addresses the area to be vacated.
3. All public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.
4. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
5. All development shall be in conformance with code requirements and design standards of all City Departments.
6. If the Order of Vacation is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This application is a Petition to Vacate two 20-foot wide drainage easements generally located on the north side of Roberta Drive, approximately 263 feet west of Decatur Boulevard.

**EXECUTIVE SUMMARY**

The vacation of the two 20-foot wide drainage easements on this site will enable the owner to develop a 200-unit apartment complex, if the companion General Plan Amendment, Rezoning, Site Development Plan Review and Variance are approved. The proposed Site Development Plan Review (SDR-12316) is contingent upon approval of this Vacation in order to place the proposed buildings on the site. The request is appropriate, as the subject drainage easements are not needed in their current configuration.

**BACKGROUND INFORMATION**

**A) *Related Actions***

- 03/15/06      The City Council approved the Annexation (ANX-10266) of approximately 2.5 acres located at 4584 Madre Mesa Drive, which is part of the subject site. The Planning Commission and staff recommended approval. The effective date was 03/24/06.
- 04/19/06      The City Council approved a bill (Bill No. 2006-21) to amend Ordinance No. 5819 relating to an approved Annexation (ANX-10266) that would amend the legal description and change the appropriate City zoning classification from U (Undeveloped) [R (Rural Density Residential) Master Plan Designation] to R-E (Residence Estates) on the property at 4584 Madre Mesa Drive.
- 04/27/06      The Planning Commission held the following items in abeyance to the 06/08/06 Planning Commission meeting in an effort to allow the applicant time to meet with area residents and consider possible design changes: A General Plan Amendment (GPA-12310) to change the Master Plan Land Use on a 5.4-acre portion of the subject site from R (Rural Density Residential) and SC (Service Commercial) to M (Medium Density Residential); a Rezoning (ZON-12312) from U (Undeveloped) [R (Rural Density Residential) and M (Medium Density Residential) Master Plan Designations]; U (Undeveloped) [SC (Service Commercial) Master Plan Designation] under Resolution of Intent to C-1

(Limited Commercial); and R-E (Residence Estates) to R-3 (Medium Density Residential) on the subject site; a Variance (VAR-12318) to allow a 20-foot setback from protected properties where Residential Adjacency Standards require a 105-foot setback on the subject site and to allow three-story buildings where a maximum of two stories is allowed; and a Site Development Plan Review (SDR-12316) for a proposed 200-unit apartment project and a Waiver of perimeter landscape buffer requirements on the subject site.

06/08/06      The Planning Commission recommended approval of companion items GPA-12310 and ZON-12312 and held companion items VAR-12318 and SDR-12316 in abeyance to the 07/13/06 Planning Commission meeting concurrently with this application.

06/08/06      The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #11/ejb).

***B) Pre-Application Meeting***

A pre-application meeting is not required for this type of application.

***C) Neighborhood Meetings***

A neighborhood meeting is not required as part of this application request, nor was one held.

**DETAILS OF APPLICATION REQUEST**

The subject Vacation request proposes to Vacate two 20-foot drainage easements generally located on the north side of Roberta Drive, approximately 263 feet west of Decatur Boulevard. These easements are described as follows:

A twenty foot (20') drainage easement beginning approximately six hundred and eighty feet (680') west of Decatur Boulevard and extending north approximately one hundred and seventy-seven feet (177') from the northern right-of-way of Roberta Lane and a twenty foot drainage easement beginning approximately nine hundred and sixty feet west of Decatur Boulevard and extending north approximately one hundred and seventy-seven (177'); said property being a portion of the North half (N1/2) of the Southeast quarter (SE1/4) of Section 13, Township 20 South, Range 60 East, M.D.M

## **ANALYSIS**

### ***A) Planning discussion***

The subject request is to vacate two, 20-foot drainage easements a within a 10.53 acre area. The proposed Site Development Plan Review (SDR-12316) is contingent upon approval of this Vacation in order to place the proposed buildings on the site. The request is appropriate, as the subject drainage easements are not needed in their current configuration. Therefore, staff has no concerns with the Vacation request and supports the request.

### ***B) Public Works discussion***

This Vacation application proposes to vacate two public drainage easements. As no right-of-way is proposed to be vacated, and thus no franchise rights are involved, it is not necessary to send this VAC request to the utility companies and franchise holders, nor wait for their responses. Since only City easements are involved; any utility company interests will not be affected.

## **NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 3

**ASSEMBLY DISTRICT** 1

**SENATE DISTRICT** 4

**NOTICES MAILED** 4 by City Clerk

**APPROVALS** 0

**PROTESTS** 0